

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN BUTLER,)	
)	
Plaintiff,)	Case No. 1:24-cv-79
v.)	
)	
LAUREL HARRY, et al.)	
)	
Defendants.)	

MEMORANDUM ORDER

This *pro se* civil action was commenced by Plaintiff John Butler, an inmate in the custody of the Pennsylvania Department of Corrections (PA DOC) who was previously confined at SCI-Houtzdale. In his complaint, Plaintiff names as Defendants Laurel Harry (Secretary of the PA DOC), Scott Kleinfelter (Superintendent of SCI-Houtzdale), and Michelle Ivicic (Deputy of Centralized Services at SCI-Houtzdale). Plaintiff contends that his federal rights under the First Amendment and the Religious Land Use and Institutionalized Person Act (“RLUIPA”), 42 U.S.C. §2000cc *et seq.*, were violated when he was denied participation in a religious feast as a result of his confinement in the Restricted Housing Unit at SCI-Houtzdale. The matter has been referred to United States Magistrate Judge Maureen Kelly for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Civil Rule 72.

On September 27, 2024, Defendants filed a motion to dismiss the complaint for failure to state a cognizable legal claim. ECF No. 30. Plaintiff has not responded to the motion, nor has he explained his failure to respond, despite having been granted two extensions of time and having been directed to show cause for his delinquency.

On March 14, 2025, Judge Kelly issued a report and recommendation (“R&R”) in which she opined that the case should be dismissed for failure to prosecute. ECF No. [40]. After

considering the various factors set forth in *Poulis v. State Farm Fire & Casualty Company*, 747 F.2d 863 (3d Cir. 1984), Judge Kelly concluded that, on balance, the relevant factors weighed in favor of dismissal as a punitive sanction.

Objections to the R&R were due on or before March 31, 2025. To date, no objections have been received.


Accordingly, after *de novo* review of the Complaint and documents in the case, including the Defendants' pending motion to dismiss, ECF No. [30], and the Magistrate Judge's Report and Recommendation, ECF No. [40],

IT IS ORDERED, this 14th day of April, 2025, that pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, the Plaintiff's claims shall be, and hereby are, DISMISSED with prejudice, based on Plaintiff's failure to prosecute this case.

IT IS FURTHER ORDERED that the Report and Recommendation of the United States Magistrate Judge issued on March 14, 2025, ECF No. [40], is adopted as the Opinion of this Court.

IT IS FURTHER ORDERED that the Defendants' motion to dismiss, ECF No. [30], is DISMISSED as moot.

There being no other matters pending before the Court in the above-captioned case, the Clerk is directed mark this civil action "CLOSED."


Susan Paradise Baxter
United States District Judge